THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 7th day of March,2007

W.P.No.20283 of 1997

Between:-

The Tirumala Tirupathi Devasthanams Staff and Workers United Front, represented by its President G.Venkatesam and others … Petitioners

and

The Tirumala Tirupathi Devasthanams Board, represented by its Chairman, Tirupati, Chittoor District and others … Respondents

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ORAL ORDER:

This Writ Petition is filed by Tirumala Tirupathi Devasthanams' Staff and Workers United Front represented by its President and 7 others challenging the transfer of its members to various places in the State vide Proceedings dated 20/21-8-1997 of respondents 2 and 3.

While admitting the Writ Petition on 27-8-1997, this Court passed an interim order directing the parties to maintain status quo as on that day i.e. 27-8-1997 regarding the impugned transfer. It appears, even before the status quo order was made, petitioners were already relieved from their respective places for being reported at the places where they were posted.

Learned counsel for the petitioners submits that the petitioners never involved in any activity, which is either illegal or immoral as contended by the respondents. In fact, petitioners are duty bound citizens and when they were objecting for certain people (persons brought by the Sub-Inspector and other police personnel) jumping the 'darshan' queue of the Tirumala Tirupathi Devasthanams, they were being harassed and ultimately, some false cases were fabricated and foisted against them by the police; on account of which, they have been transferred from Tirumala to various places. This is not only arbitrary, but also *mala fide* on the part of the respondents.

A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioners. It is

asserted that Tirumala Tirupathi Devasthanams' institutions are existing all over India and it has got immovable properties like fruit gardens and flower gardens, apart from Kalyana Mandapams and information centres. Number of employees are working in the institutions of the Devasthanams in Delhi, Rishikesh, Bhuvaneswar, Bombay, Chennai, Bangalore, Hyderabad etc. As such, there is no substance in stating that the places to which the petitioners were transferred are only information centres and there are no posts of Assistant Fitter, Maistry, Security Guard, Jamedar/Mazdoor in the information centres. Petitioners having created havoc in a holy temple, where the pilgrims of not only the country, but worldwide are visiting, which was never happened in the entire history of the holy temple, cannot say that the sudden transfer and instant relieving orders are first of its kind in the history of Tirumala Tirupathi Devasthanams. There is n o *mala fide,* arbitrary and capriciousness in transferring the petitioners to different places. The said transfers were made to avoid tampering the witnesses and interfering with the enquiry by the petitioners and as such, the transfers were made with a *bona fide* intention to conduct enquiry expeditiously.

Heard both sides.

It appears, in view of certain misconduct alleged against the petitioners and as the enquiry was in progress, in the interests of conducting a fair enquiry into the matter, petitioners were transferred to different places. Now, it is about ten years since the petitioners were transferred. Once the enquiry is completed, petitioners are entitled for retransfer to their original place, if the rules so permit. Under those circumstances, without expressing any opinion on merits, the respondents are directed to consider retransferring the petitioners to their original place or to any other place, so that it may not cause

hardship to their domestic life, if the enquiry contemplated against them is completed and if they are otherwise eligible, within a period of two months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

07-3-2007

prk